

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.11.206 and 12.11.211) PROPOSED AMENDMENT
pertaining to temporary client days on)
the Beaverhead and Big Hole Rivers)

TO: All Concerned Persons

1. On March 16, 2016, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the University of Montana Western, Block Hall, Room 311, 710 South Atlantic Street, Dillon, Montana, to consider the proposed amendment of the above-stated rules.

On March 17, 2016, at 6:00 p.m., the commission will hold a public hearing at the United States Forest Service, 1820 Meadowlark Lane, Butte, Montana, to consider the proposed amendment of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than March 4, 2016, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

12.11.206 USE OF TEMPORARY CLIENT DAYS ON THE BEAVERHEAD RIVER (1) One-boat outfitters may apply on an annual basis for up to 60 temporary client days on the Beaverhead River unless the outfitter has:
(a) surrendered or transferred client days; or
(b) had a Beaverhead River commercial use permit revoked.
(2) through (7) remain the same.

AUTH: 87-1-301, 87-1-303, MCA
IMP: 87-1-303, MCA

12.11.211 USE OF TEMPORARY CLIENT DAYS ON THE BIG HOLE RIVER (1) One-boat outfitters may apply on an annual basis for up to 60 temporary client days on the Big Hole River unless the outfitter has:
(a) surrendered or transferred client days; or
(b) had a Big Hole River commercial use permit revoked.
(2) through (7) remain the same.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The commission is proposing this change to support the original intent of the rules which was to give small, river outfitting businesses a chance to obtain a temporary client day permit on the Big Hole River or Beaverhead River. The proposed changes will not increase or decrease the number of permits and will have no affect on the use of the rivers. Currently, experienced outfitters are surrendering or selling their Big Hole River and Beaverhead River permits and then applying for temporary client days preventing less experienced outfitters the opportunity to do business on the rivers.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Cheryl Morris, Department of Fish, Wildlife and Parks, 1400 South 19th Avenue, Bozeman, Montana, 59718; or e-mail cherylmorris@mt.gov, and must be received no later than March 25, 2016.

5. Jessica Snyder or another hearing officer appointed by the department has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Aimee Fausser
Aimee Fausser
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chairman
Fish and Wildlife Commission

Certified to the Secretary of State February 8, 2016.